

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  CUSTOMER RIGHTS AND REMEDIES TO AVOID DISCONNECTION	DOCKET NO. RMU-03-2
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**ORDER ADOPTING AMENDMENTS**

(Issued July 18, 2003)

Pursuant to the authority of Iowa Code §§ 17A.4, 476.1, 476.2, and 476.20 (2003), the Utilities Board is adopting the amendments attached hereto and incorporated herein by reference. The amendments are to 199 IAC 19.4(15)"h"(3) and 20.4(15)"h"(3), relating to gas and electric customer rights and remedies. This proceeding has been identified as Docket No. RMU-03-2.

On February 5, 2003, the Utilities Board (Board) published in the Iowa Administrative Bulletin (IAB) a notice of proposed rule making that modified the standard notice sent to customers who were subject to disconnection for nonpayment of electric or gas bills. The "Notice of Intended Action" was published in IAB Vol. XXV, No. 16 (2/5/03) pp. 1079-83, as ARC 2285B. The proposed amendments to the rights and remedies notice are designed to make the notice more understandable to the customer and to ensure the notice is consistent with the Board's rules on disconnection of gas and electric service.

Comments addressing the proposed amendments were filed by the Iowa Association of Electric Cooperatives (IAEC); Aquila, Inc., d/b/a Aquila Networks (Aquila); the Consumer Advocate Division of the Department of Justice (Consumer Advocate); MidAmerican Energy Company (MidAmerican); the Iowa Association of Municipal Utilities (IAMU); Iowa Legal Aid (Legal Aid); and Interstate Power and Light Company (IPL). An oral presentation was held on April 8, 2003, and the Iowa Community Action Association (ICAA) appeared and filed written comments.

The questions and answers in the proposed notice are set out below with the comments and the Board's discussion concerning the revisions the Board is adopting. The revised questions and answers as adopted are then set out. Grammatical and nonsubstantive revisions adopted and comments are not discussed. The amendments and comments apply to both 19.4(15)"h"(3) and 20.4(15)"h"(3) since the two subparagraphs are identical.

There were no comments on the lead paragraph in 19.4(15)"h"(3) or 20.4(15)"h"(3). The lead paragraphs will be amended as proposed.

**Proposed Question 1:**

**1. What can I do if I receive a notice from the utility that says my gas will be shut off because I have a past due bill?**

- a. Pay the bill in full;
- b. Enter into a reasonable payment plan with the utility (see #2 below);
- c. Apply for and become eligible for low-income energy assistance (see #3 below);
- d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas would be a serious health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

**Comments And Board Discussion:**

Consumer Advocate suggested that the amendment to answer 1.d is not consistent with current rules that state that the utility “may” require written verification, indicating that written verification is not required in all circumstances. Consumer Advocate suggested that the proposed answer 1.d indicates that a written statement is required even if the customer notifies the utility by a telephone call from a doctor identifying a resident with a serious health problem. The proposed notice would require a written letter after each telephone call and this is an extra burden. Consumer Advocate recommended retaining the current rule.

MidAmerican suggested that the proposed language in answer 1.d actually changes the substance of the current rules and could allow a continuing lack of heat to be considered a serious health danger. MidAmerican suggested the following language for answer 1.d: “Give the utility a written statement from a doctor or public health official stating that shutting off your gas/electric would pose a danger for a person with a serious health problem living at the residence.” In addition, MidAmerican suggested that the words “the utility” be substituted for “us” for purposes of consistency in answer 1.e.

IAMU suggested that the phrase “serious health condition” in answer 1.d is not consistent with current rules. Current rules require an “especial danger.” IAMU

suggested the practical effect will be that those reading the proposed notice will not be aware of the requirement that the danger must be more than just a “serious” danger to the health of a resident.

Legal Aid suggested that a sentence allowing a customer to request the notice in Spanish be put at the top of the notice.

The Board agrees with the comments that there should be consistency with use of words in the notice and has made those revisions.

After consideration of possible synonyms for the term “especial” or even deleting the word from the current rule, the Board has decided that the term should not be changed. Continued use of the term “especial” should avoid any possible confusion that might be caused by a change to some other term, which could be interpreted to suggest the Board intends to revise the policy.

With regard to answer 1.d, the Board finds that the current rule may be subject to different interpretations regarding the need for a written verification. It is the Board’s understanding that utilities interpret subparagraph 19.4(15)“h”(5), *health of a resident*, as requiring a written statement from a health care professional to verify the existence of an “especial” danger to a resident’s health. The Board finds that this is the proper practice and, thus, proposed that the notice contain this requirement. Further clarification of this requirement will be addressed in Docket No. RMU-03-3. The Board also decided that it would not include a requirement for providing the

rights and remedies in Spanish. This might be a substantive change beyond what was proposed in the “Notice of Intended Action.”

**Adopted Question 1:**

**1. What can I do if I receive a notice from the utility that says my gas will be shut off because I have a past due bill?**

- a. Pay the bill in full; or
- b. Enter into a reasonable payment plan with the utility (see #2 below); or
- c. Apply for and become eligible for low-income energy assistance (see #3 below); or
- d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas would ~~be pose~~ a special an “especial” health danger for a person living at the residence (see #4 below); or
- e. Tell the utility if you think part of the amount shown on the bill is wrong. However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

**Proposed Question 2:**

**2. How do I go about making a reasonable payment plan?**

- a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that is at least 12 months long. The plan may be longer depending on your financial situation.
- b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, the utility can refuse to offer you another payment plan.
- c. If you do not make the payments you promised, the utility may shut off your utility service after one day’s notice unless all the money you owe the utility is paid. If your utility service is shut off, the utility may refuse to offer you any further payment plans.

**Comments And Board Discussion:**

IAEC suggested that payment plans in chapter 19 relating to gas service be limited to residential customers, consistent with the limitation in subrule 20.4(11), which applies to electric service.

Legal Aid suggested that answer 2.a is misleading since a utility must offer a customer a payment plan and proposed answer 2.a is permissive. Legal Aid suggested that answer 2.a is not complete since it states that a payment plan offered by the utility must be at least 12 months long. The rule states that a payment plan should be spread evenly over at least 12 months, thus a customer does not have to make a substantial down payment. Additional language should be added to answer 2.a that states, “the utility must offer you a payment plan that spreads the payments evenly over at least 12 months.”

IPL suggested that the question could be clearer and the opportunity to enter into a payment plan should only apply to residential customers and not business customers.

IACC suggested that answer 2.a should make it clear that a utility is required to offer the customer a payment plan and so would substitute “will” for “may” in the proposed amendment.

The Board agrees that subrules 19.4(10) and 20.4(11) are limited to residential customers and this should be reflected in the notice. The Board also agrees with Legal Aid that the language should be more direct in stating that a payment plan must be offered that spreads payments over at least 12 months. The Board does not agree that IACC’s suggestion of replacing “may” with “will” is correct, since there are instances where the utility does not have to offer a customer a payment plan and the use of “will” would not reflect that possibility.

**Adopted Question 2:**

**2. How do I go about making a reasonable payment plan?  
(Residential Customer Only)**

- a. Contact the utility as soon as you know you cannot pay the amount you owe. If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that is spreads payments evenly over at least 12 months long. The plan may be longer depending on your financial situation.
- b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, the utility can refuse to offer you another payment plan.
- c. If you do not make the payments you promise, the utility may shut off your utility service after one day's notice unless all the money you owe the utility is paid. If your utility service is shut off, the utility may refuse to offer you any further payment plans.

**Proposed Question 3:**

**3. How do I apply for low-income energy assistance? (Residential Customer Only)**

- a. Contact the local community action agency in your area (see attached list); or,
- b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515)281-0859.
- c. To avoid disconnection, you must apply for energy assistance before your service is shut-off. Notify your utility that you may be eligible and have applied for energy assistance.

**Comments And Board Discussion:**

MidAmerican suggested that answer 3.c be clarified by the addition of the following sentence: "Once your service has been disconnected, it will not be reconnected based on approval for energy assistance."

IPL suggested that answer 3.c be modified to instruct customers to notify their utility immediately after they have applied for energy assistance. IPL suggested an amendment to the second sentence in answer 3.c as follows: "As soon as possible

after you apply for energy assistance, you should notify your utility that you may be eligible for assistance and that you have applied.”

The Board understands that some LIHEAP eligible customers may think that qualifying for LIHEAP will get disconnected service reconnected. This is not correct, and the Board will revise the notice to add two sentences that make this point.

**Adopted Question 3:**

**3. How do I apply for low-income energy assistance? (Residential Customer Only)**

- a. Contact the local community action agency in your area (see attached list); or,
- b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515)281-0859. To prevent disconnection, the utility must be contacted prior to disconnection of your service.
- c. To avoid disconnection, you must apply for energy assistance before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

**Proposed Question 4:**

**4. What if someone living at the residence has a serious health condition? (Residential Customer Only)**

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would be a serious health danger for a person with a serious health condition living at the residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notified the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements.



**Comments And Board Discussion:**

MidAmerican suggested that the language proposed for answer 1.d, discussed above, should also be added to the answers to this question. MidAmerican suggested adding the phrase “pose a danger for a person with a serious health condition” to this answer.

IPL suggested that question and answer 4 be amended to state specifically that customers may be shut off at the end of the 30-day grace period if the customer has not entered into a reasonable payment agreement with the utility. IPL suggests the following language: “If you have not made a reasonable payment arrangement with the utility by the end of this 30-day period, your service may be shut off.”

The Board agrees with IPL that the language should include the 30-day limit on the medical exemption. Otherwise, some customers may think the exemption lasts forever. The answers to this question should also reflect that written verification of an especial danger to a resident’s health is required. The Board will also revise the answer to reflect the retention of the term “especial.”

**Adopted Question 4:**

**4. What if someone living at the residence has a serious health condition? (Residential Customer Only)**

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would ~~be pose a~~ an especial serious-health danger for a person living at the your residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notified the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days.

This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days, your service may be shut off if payment arrangements have not been made.

**Proposed Question 5:**

**5. What should I do if I believe my bill is not correct?**

You may dispute your utility bill. You must tell the utility in writing that you dispute the bill. You must go ahead and pay the part of the bill you think is correct. If you do this, the utility will not shut off your gas for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect.

**Comments And Board Discussion:**

IAEC suggested removing the words “go ahead” as not necessary and that the answer to question 5 include the language, “You must have a reasonable basis for disputing the accuracy of your utility bill.” IAMU stated that it supported the comments of IAEC on this question.

Consumer Advocate suggested that current rules do not require written notice of a billing dispute and suggested that customers should be allowed to give notice of a billing dispute by telephone or other communication in addition to written notice.

The Board agrees with the comments of Consumer Advocate and will make the revisions suggested. Current subparagraph 19.4(15)"h"(5), *disputed bill*, does not require that the customer notify the utility in writing that the customer disputes the bill. Requiring written notification would be a substantive change beyond the scope of this rule making.

The Board does not agree with IAEC that a reasonableness test should apply to determine whether a customer may dispute a bill. Such a test would be difficult to

apply and would be likely to create inconsistencies among the utilities. The Board agrees that the phrase “go ahead and” should be deleted.

**Adopted Question 5:**

**5. What should I do if I believe my bill is not correct?**

You may dispute your utility bill. You must tell the utility ~~in writing~~ that you dispute the bill. You must ~~go ahead and~~ pay the part of the bill you think is correct. If you do this, the utility will not shut off your gas for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Board for assistance in resolving the dispute. (See #9 below).

**Proposed Question 6:**

**6. When can the utility shut off my utility service because I have not paid my bill?**

- a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.
- b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.
- c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2).
- d. The utility will not shut off your service if the temperature is forecasted to be colder than 20 degrees Fahrenheit during the 24-hour period, including the day your service is scheduled to be shut off.
- e. If you have qualified for low-income energy assistance, the utility cannot shut off your service between November 1 and April 1. However, you will still owe the utility for the service used during this time.
- f. The utility will not shut off your service if you have notified the utility in writing that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

**Comments And Board Discussion:**

IAEC suggested that answer 6.d is not consistent concerning when a utility may shut off a customer during cold weather. IAEC suggested that the word

“following” be inserted before “24-hour period.” IAMU supported IAEC’s comments on this question.

MidAmerican suggested that answer 6.d be modified to read, “The utility will not shut off your service if the National Weather Service forecasts the temperature to be colder than 20 degrees Fahrenheit during the next 24 hours, including the day that your service is scheduled to be shut off.”

Consumer Advocate suggested that current rules do not require written notice of a billing dispute and this notice should not limit customer notice to written notice.

The Board agrees with the comments of IAEC and Consumer Advocate. The Board will not adopt the language proposed by MidAmerican. Addition of the word “following” accomplishes the same result.

**Adopted Question 6:**

**6. When can the utility shut off my utility service because I have not paid my bill?**

- a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.
- b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.
- c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2).
- d. The utility will not shut off your service if the temperature is forecasted to be colder than 20 degrees Fahrenheit during the following 24-hour period, including the day your service is scheduled to be shut off.
- e. If you have qualified for low-income energy assistance, the utility cannot shut off your service between November 1 and April 1. However, you will still owe the utility for the service used during this time.
- f. The utility will not shut off your service if you have notified the utility in writing that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

**Proposed Question 7:**

**7. How will I be told the utility is going to shut off my gas?**

a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. The utility must also try to reach you by telephone or in person before it shuts off your service. Between November 1 and April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of the residence to tell you that your utility service will be shut off.

**Comments And Board Discussion:**

MidAmerican suggested that answer 7.a should include the following language: "However, if you have broken a payment agreement, the utility is only required to give you one day's notice."

IACC suggested that both the amount of the past due bill and the day of disconnect should be added to answer 7.a. IACC also suggested that it be stated that the utility must take into account the customer's ability to pay in developing a reasonable payment plan.

The Board finds that inserting a new answer 7.b in response to MidAmerican's comment is reasonable. The Board finds that it is not necessary to put the amount of the past due bill and the day of disconnection on the notice. The Board understands that the current utility practice is to put the notice either on the back of the bill, which contains the information requested by IACC, or as a bill insert with the bill.

**Adopted Question 7:**

**7. How will I be told the utility is going to shut off my gas?**

- a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.
- b. If you have not made payments required by an agreed-upon payment plan, you may be disconnected with only one day's notice.
- c. The utility must also try to reach you by telephone or in person before it shuts off your service. Between November 1 and April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of ~~the~~ your residence to tell you that your utility service will be shut off.

**Proposed Question 8:**

**8. If service is shut off, when will it be turned back on?**

- a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2).
- b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.
- c. The utility may charge you a fee to turn your service back on. Those fees are higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

**Comments And Board Discussion:**

IPL suggested that answer 8.b should be amended to require the utility to “make every reasonable effort” to reconnect service by 11 a.m. the next day. There should not be an absolute mandate since there may be circumstances beyond the control of the utility that prevent the reconnection as required.

Subparagraph 19.4(15)"i"(2) allows reasonable efforts to connect the same day if the customer pays by 7 p.m. The Board finds this should allow the utility enough flexibility and the customer should not have to wait beyond 11 a.m. the next day for service. The Board will not adopt this suggestion.

**Adopted Question 8:**

**8. If service is shut off, when will it be turned back on?**

- a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2).
- b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.
- c. The utility may charge you a fee to turn your service back on. Those fees ~~are~~ may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

**Proposed Question 9:**

**9. Is there any other help available besides my utility?**

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at iubcustomer@iub.state.ia.us.

**Comments And Board Discussion:**

Legal Aid suggested that "Iowa Legal Aid" also be referenced on the notice.

Legal Aid proposes the following language be added as an answer to question 9: "If you are low-income, you may be eligible for free legal assistance from Iowa Legal Aid. You may apply for their service by calling toll-free at 1-800-532-1275 (voice or TDD); or by writing Iowa Legal Aid at 1111 9<sup>th</sup> Street, Suite 230, Des Moines, IA 50314-2527."

The Board agrees that notification of the availability of help to some customers will be beneficial. The Board will require that Legal Aid's telephone number be added to the notice.

**Adopted Question 9:**

**9. Is there any other help available besides my utility?**

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at [iubcustomer@iub.state.ia.us](mailto:iubcustomer@iub.state.ia.us). Low income customers may be eligible for free legal assistance from Iowa Legal Aid and may contact Legal Aid at 1-800-532-1275.

**ORDERING CLAUSES**

**IT IS THEREFORE ORDERED:**

1. A rule making identified as Docket No. RMU-03-2 is adopted.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

**SEPARATE STATEMENT OF BOARD MEMBER  
ELLIOTT SMITH,  
CONCURRING IN PART AND DISSENTING PART**

While I wholly concur with my honorable colleagues regarding the changes adopted for the first eight questions posed in this order, I must respectfully dissent from the majority in their decision to add a sentence to the end of Adopted Question



9 that references the availability of legal assistance for customers with gas disconnection problems.

I assert no issue with the fact that low income customers may have need to pursue and utilize legal aid at some point in the process that involves disconnecting gas service from a residence. My concern is with the appearance that the Iowa Utilities Board (IUB) is suggesting legal action is an acceptable early course of action in resolving such an issue.

If a matter involving the disconnection of gas service is not resolved to the satisfaction of the customer after talking to the utility about it, I feel the customer's next contact should be with the experienced and trained customer service personnel here at the Board who regularly work on such issues with utility companies. Should a disconnection issue remain unresolved following efforts by the Board, then I feel it is entirely appropriate to suggest the customer contact an entity that offers free or low-cost legal aid. It should be up to the customer to choose from a list of recognized legal service providers rather than the IUB implicitly endorsing one specific organization.

Pursuing legal action before exhausting other non-legal help options only provides an incentive for court filings that will increase the utility's legal expenses, which ultimately affects customer rates. Encouraging legal avenues of issue settlement before discussing matters with the company or the Board may also create a false impression with the customer that they can avoid some legitimate obligation

or responsibility they have in their relationship with the utility company --- when simple, straight-forward negotiations with the company would have otherwise sufficed and resulted in continued service.

With these concerns of mine duly noted, I concur with the majority on the amended language proposed for Adopted Questions 1-8 and respectfully dissent from the majority on the amended language proposed for Adopted Question 9.

/s/ Elliott Smith

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of July, 2003.

## **UTILITIES DIVISION [199]**

### **Adopted and filed**

Pursuant to the authority of Iowa Code sections 17A.4, 476.1, 476.2, and 476.20 (2003), the Utilities Board (Board) issued an "Order Adopting Amendments" on July 18, 2003, Re: Customer Rights And Remedies To Avoid Disconnection.

The amendments modify the disconnection notice set out in 199 IAC 19.4(15)"h"(3) and 20.4(15)"h"(3). This proceeding has been identified as Docket No. RMU-03-2.

On February 5, 2003, the Board issued an order in Docket No. RMU-03-2, which proposed modifications to the standard notice sent to customers who were subject to disconnection for nonpayment of electric or gas bills. The "Notice of Intended Action" was published in IAB Vol. XXV, No. 16 (2/5/03) pp. 1079-83, as ARC 2285B. The proposed amendments to the rights and remedies notice are designed to make the notice more understandable to each customer and to ensure the notice is consistent with the Board's rules on disconnection of gas and electric service.

Comments addressing the proposed amendments were filed by the Iowa Association of Electric Cooperatives (IAEC); Aquila, Inc., d/b/a Aquila Networks (Aquila); the Consumer Advocate Division of the Department of Justice (Consumer Advocate); MidAmerican Energy Company (MidAmerican); the Iowa Association of Municipal Utilities (IAMU); Iowa Legal Aid (Legal Aid); and Interstate Power and Light Company (IPL). An oral presentation was held on April 8, 2003, and the Iowa Community Action Association (ICAA) appeared and filed written comments. The

Board's order, which contains a summary of the comments and the Board's analysis, is available on the Board's Web site at [www.state.ia.us/iub](http://www.state.ia.us/iub).

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, and 476.20.

These amendments will become effective September 10, 2003.

The following amendments are proposed.

Item 1. Amend subparagraph 19.4(15)"h"(3) as follows:

(3) The summary of the rights and remedies must be approved by the board.

Any utility providing gas service and defined as a public utility in Iowa Code section 476.1 which does not use the standard form set forth below for customers billed monthly shall submit to the board an original and six copies of its proposed form for approval. A utility billing a combination customer for both gas and electric service may modify the standard form to replace each use of the word "gas" with the words "gas and electricity" in all instances.

#### ~~CUSTOMER RIGHTS AND REMEDIES TO AVOID DISCONNECTION~~

~~The following is a summary of your rights and remedies under the rules of the Utilities Division of the Iowa Department of Commerce to avoid disconnection of utility service.~~

~~Disconnection can be avoided by paying the past due amount or by making arrangements to pay on or before the date listed on the notice.~~

~~Disconnection for nonpayment may occur only after we have sent a written notice of disconnection by regular mail postmarked at least 12 days before service is to be shut off. This notice must include the reason for disconnection. We must try to~~

~~contact you by phone or in person prior to disconnection. If disconnection is scheduled between November 1 and April 1 and it has not been possible to contact you by phone or in person, a notice must be placed on the door of the home at least one day before service is disconnected.~~

~~Disconnection of your service may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If you make payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect your service that day. If you make payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect your service not later than 11 a.m. the next day. Between November 1 and April 1, we cannot require you to pay a deposit before service is reconnected or as part of an agreement for service to be continued.~~

~~Delinquent bill. If you are unable to pay a past due bill in full, you will be given an opportunity to enter into a payment agreement to avoid disconnection of service. The agreement will be negotiated to meet your individual needs and you may spread payments for the past due bill over at least 12 months. You must also agree to pay each new monthly bill as it comes due. If we refuse an agreement, you will be told in writing why we refused, and you may continue to pay under your proposed agreement without disconnection of service if you ask the Board (within 10 days after receiving the written refusal) for assistance in working out an agreement with us. (Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319, (515)281-3839 or toll-free (877)565-4450). If you break the payment agreement, we are not~~

~~required to offer you a second payment agreement and may disconnect service on one day's notice.~~

~~Health. Disconnection for nonpayment will be delayed 30 days if a physician or public health official determines that a permanent resident in your house has a serious health problem and will be endangered if service is shut off. At our request, a telephone call from the physician or public health official to our office must be followed up by a letter within five days. During the 30-day delay, you must work out a payment agreement. If the physician or health official states that the health problem still exists at the end of the initial 30 days, you may receive an additional 30-day delay.~~

~~Disputed bill. If you disagree with the accuracy of your bill, you may pay the undisputed portion and notify our office of the disagreement. Disconnection will be delayed for up to 45 days from the date the bill was mailed so that the disagreement may be settled. If you file a written complaint with the board (address and telephone number listed previously), disconnection may be further postponed, should the board request the extension.~~

~~Winter energy assistance (November 1 through April 1). You may be eligible for low-income energy assistance or weatherization funds. If you tell us that you may qualify for energy assistance, you will be given 12 days from the date on which the disconnection notice was mailed to apply to the local community action agency. You must apply prior to the disconnection date. If the community action agency certifies you as being eligible for either low-income energy assistance or weatherization~~

~~assistance within 30 days from the date of your application, then your service cannot be disconnected between November 1 and April 1.~~

~~It is unlikely, however, that energy assistance funds will pay all of your utility bills. It is to your advantage to make a payment arrangement now to avoid disconnection of your service after April 1.~~

~~If you have been certified as eligible for assistance, and you receive a disconnection notice from your gas or electric company, it is up to you to ensure that the utility is notified of your eligibility. Your certification will cover the current November 1 through April 1 period only. For further information on how to apply for assistance and qualifications, contact our business office, the Division of Community Action Agencies of the Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319 (1-515-281-0859), or your community action agency [list of community action agency addresses and telephone numbers for the utility's service territory].~~

### **AVOIDING SHUT OFF OF GAS SERVICE FOR NONPAYMENT**

#### **1. What can I do if I receive a notice from the utility that says my gas will be shut off because I have a past due bill?**

- a. Pay the bill in full; or
- b. Enter into a reasonable payment plan with the utility (see #2 below); or
- c. Apply for and become eligible for low-income energy assistance (see #3 below); or

d. Give the utility a written statement from a doctor or public health official stating that shutting off your gas would pose an “especial” health danger for a person living at the residence (see #4 below); or

e. Tell the utility if you think part of the amount shown on the bill is wrong.  
However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

**2. How do I go about making a reasonable payment plan? (Residential customers only)**

a. Contact the utility as soon as you know you cannot pay the amount you owe.  
If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, the utility can refuse to offer you another payment plan.

c. If you do not make the payments you promise, the utility may shut off your utility service on one day’s notice unless all the money you owe the utility is paid. If your utility service is shut off, the utility may refuse to offer you any further payment plans.

**3. How do I apply for low-income energy assistance? (Residential Customer Only)**

a. Contact the local community action agency in your area (see attached list); or,



b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515) 281-0859. To prevent disconnection, the utility must be contacted prior to disconnection of your service.

c. To avoid disconnection, you must apply for energy assistance before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected based on approval for energy assistance.

**4. What if someone living at the residence has a serious health condition?**  
**(Residential Customer Only)**

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notifies the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days your service may be shut off if payment arrangements have not been made.

**5. What should I do if I believe my bill is not correct?**

You may dispute your utility bill. You must tell the utility that you dispute the bill. You must pay the part of the bill you think is correct. If you do this, the utility will not

shut off your service for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Board for assistance in resolving the dispute. (See #9 below).

**6. When can the utility shut off my utility service because I have not paid my bill?**

- a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.
- b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.
- c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2).
- d. The utility will not shut off your service if the temperature is forecasted to be colder than 20 degrees Fahrenheit during the following 24-hour period, including the day your service is scheduled to be shut off.
- e. If you have qualified for low-income energy assistance, the utility cannot shut off your service between November 1 and April 1. However, you will still owe the utility for the service used during this time.
- f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

**7. How will I be told the utility is going to shut off my gas?**

- a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed-upon payment plan, you may be disconnected with only one's day notice.

c. The utility must also try to reach you by telephone or in person before it shuts off your service. Between November 1 and April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of your residence to tell you that your utility service will be shut off.

**8. If service is shut off, when will it be turned back on?**

a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2).

b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.

c. The utility may charge you a fee to turn your service back on. Those fees may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

**9. Is there any other help available besides my utility?**

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at [iubcustomer@iub.state.ia.us](mailto:iubcustomer@iub.state.ia.us). Low income customers may also be eligible for free legal assistance from Iowa Legal Aid and may contact Legal Aid at 1-800-532-1275.

Item 2. Amend subparagraph 20.4(15)"h"(3) as follows:

(3) The summary of the rights and remedies must be approved by the board.

Any utility providing electric service and defined as a public utility in Iowa Code section 476.1 which does not use the standard form set forth below for customers billed monthly shall submit to the board an original and six copies of its proposed form for approval. A utility billing a combination customer for both gas and electric service may modify the standard form to replace each use of the word "electric" with the words "gas and electricity" in all instances.

~~CUSTOMER RIGHTS AND REMEDIES TO AVOID DISCONNECTION.~~

~~The following is a summary of your rights and remedies under the rules of the Utilities Division of the Iowa Department of Commerce to avoid disconnection of utility service.~~

~~Disconnection can be avoided by paying the past due amount or by making arrangements to pay on or before the date listed on the notice.~~

~~Disconnection for nonpayment may occur only after we have sent a written notice of disconnection by regular mail postmarked at least 12 days before service is to be shut off. This notice must include the reason for disconnection. We must try to contact you by phone or in person prior to disconnection. If disconnection is scheduled between November 1 and April 1 and it has not been possible to contact you by phone or in person, a notice must be placed on the door of the home at least one day before service is disconnected.~~

~~Disconnection of your service may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If you make payment or~~

~~other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect your service that day. If you make payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect your service not later than 11 a.m. the next day. Between November 1 and April 1, we cannot require you to pay a deposit before service is reconnected or as part of an agreement for service to be continued.~~

~~Delinquent bill. If you are unable to pay a past due bill in full, you will be given an opportunity to enter into a payment agreement to avoid disconnection of service. The agreement will be negotiated to meet your individual needs and you may spread payments for the past due bill over at least twelve months. You must also agree to pay each new monthly bill as it comes due. If we refuse an agreement, you will be told in writing why we refused, and you may continue to pay under your proposed agreement without disconnection of service if you ask the Board (within ten days after receiving the written refusal) for assistance in working out an agreement with us. (Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319, (515)281-3839 or toll-free (877)565-4450). If you break the payment agreement, we are not required to offer you a second payment agreement and may disconnect service on one day's notice.~~

~~Health. Disconnection for nonpayment will be delayed thirty days if a physician or public health official determines that a permanent resident in your house has a serious health problem and will be endangered if service is shut off. At our request, a telephone call from the physician or public health official to our office must be~~

~~followed up by a letter within five days. During the thirty-day delay, you must work out a payment agreement. If the physician or health official states that the health problem still exists at the end of the initial thirty days, you may receive an additional thirty-day delay.~~

~~Disputed bill. If you disagree with the accuracy of your bill, you may pay the undisputed portion and notify our office of the disagreement. Disconnection will be delayed for up to forty-five days from the date the bill was mailed so that the disagreement may be settled. If you file a written complaint with the Board (address and telephone number listed previously), disconnection may be further postponed, should the Board request the extension.~~

~~Winter energy assistance (November 1 through April 1). You may be eligible for low-income energy assistance or weatherization funds. If you tell us that you may qualify for energy assistance, you will be given twelve days from the date on which the disconnection notice was mailed to apply to the local community action agency. You must apply for assistance prior to the disconnection date. If the community action agency certifies you as being eligible for either low-income energy assistance or weatherization assistance within thirty days from the date of your application, then your service cannot be disconnected between November 1 and April 1.~~

~~It is unlikely, however, that energy assistance funds will pay all of your utility bills. It is to your advantage to make a payment arrangement now to avoid disconnection of your service after April 1.~~

~~If you have been certified as eligible for assistance, and you receive a disconnection notice from your gas or electric company, it is up to you to ensure that~~

~~the utility is notified of your eligibility. Your certification will cover the current November 1 through April 1 period only. For further information on how to apply for assistance and qualifications, contact our business office, the Division of Community Action Agencies of the Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319 (1-515-281-0859), or your community action agency [list of community action agency addresses and telephone numbers for the utility's service territory].~~

### **AVOIDING SHUT OFF OF ELECTRIC SERVICE FOR NONPAYMENT**

#### **1. What can I do if I receive a notice from the utility that says my service will be shut off because I have a past due bill?**

- a. Pay the bill in full; or
  - b. Enter into a reasonable payment plan with the utility (see #2 below); or
  - c. Apply for and become eligible for low-income energy assistance (see #3 below); or
  - d. Give the utility a written statement from a doctor or public health official stating that shutting off your electric would pose an especial health danger for a person living at the residence (see #4 below); or
  - e. Tell the utility if you think part of the amount shown on the bill is wrong.
- However, you must still pay the part of the bill you agree you owe the utility (see #5 below).

#### **2. How do I go about making a reasonable payment plan? (Residential customers only)**

a. Contact the utility as soon as you know you cannot pay the amount you owe.

If you cannot pay all the money you owe at one time, the utility may offer you a payment plan that spreads payments evenly over at least 12 months. The plan may be longer depending on your financial situation.

b. If you have not made the payments you promised in a previous payment plan with the utility and still owe money, the utility can refuse to offer you another payment plan.

c. If you do not make the payments you promise, the utility may shut off your utility service on one day's notice unless all the money you owe the utility is paid. If your utility service is shut off, the utility may refuse to offer you any further payment plans.

**3. How do I apply for low-income energy assistance? (Residential Customer Only)**

a. Contact the local community action agency in your area (see attached list); or,

b. Contact the Division of Community Action Agencies at the Iowa Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319; telephone (515)281-0859. To prevent disconnection, the utility must be contacted prior to disconnection of your service.

c. To avoid disconnection, you must apply for energy assistance before your service is shut off. Notify your utility that you may be eligible and have applied for energy assistance. Once your service has been disconnected, it will not be reconnected on approval of energy assistance.



#### **4. What if someone living at the residence has a serious health condition?**

##### **(Residential Customer Only).**

Contact the utility if you believe this is the case. Contact your doctor or a public health official and ask the doctor or health official to contact the utility and state that shutting off your utility service would pose an especial health danger for a person living at your residence. The doctor or public health official must provide a written statement to the utility office within 5 days of when your doctor or public health official notifies the utility of the health condition; otherwise, your utility service may be shut off. If the utility receives this written statement, your service will not be shut off for 30 days. This 30-day delay is to allow you time to arrange payment of your utility bill or find other living arrangements. After 30 days your service may be shut off if payment arrangements have not been made.

#### **5. What should I do if I believe my bill is not correct?**

You may dispute your utility bill. You must tell the utility that you dispute the bill. You must pay the part of the bill you think is correct. If you do this, the utility will not shut off your service for 45 days from the date the bill was mailed while you and the utility work out the dispute over the part of the bill you think is incorrect. You may ask the Iowa Utilities Board for assistance in resolving the dispute. (See #9 below).

#### **6. When can the utility shut off my utility service because I have not paid my bill?**

a. Your utility can shut off service between the hours of 6 a.m. and 2 p.m., Monday through Friday.

b. The utility will not shut off your service on nights, weekends, or holidays for nonpayment of a bill.

c. The utility will not shut off your service if you enter into a reasonable payment plan to pay the overdue amount (see #2).

d. The utility will not shut off your service if the temperature is forecasted to be colder than 20 degrees Fahrenheit during the following 24-hour period, including the day your service is scheduled to be shut off.

e. If you have qualified for low-income energy assistance, the utility cannot shut off your service between November 1 and April 1. However, you will still owe the utility for the service used during this time.

f. The utility will not shut off your service if you have notified the utility that you dispute a portion of your bill and you pay the part of the bill that you agree is correct.

## **7. How will I be told the utility is going to shut off my service?**

a. You must be given a written notice at least 12 days before the utility service can be shut off for nonpayment. This notice will include the reason for shutting off your service.

b. If you have not made payments required by an agreed upon payment plan you may be disconnected with only one day notice.

c. The utility must also try to reach you by telephone or in person before it shuts off your service. Between November 1 and April 1, if the utility cannot reach you by telephone or in person, the utility will put a written notice on the door of your residence to tell you that your utility service will be shut off.

**8. If service is shut off, when will it be turned back on?**

- a. The utility will turn your service back on if you pay the whole amount you owe or agree to a reasonable payment plan (see #2).
- b. If you make your payment during regular business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after regular business hours, the utility must make a reasonable effort to turn your service back on that day. If service cannot reasonably be turned on that same day, the utility must do it by 11 a.m. the next day.
- c. The utility may charge you a fee to turn your service back on. Those fees may be higher in the evening or on weekends, so you may ask that your service be turned on during normal utility business hours.

**9. Is there any other help available besides my utility?**

If the utility has not been able to help you with your problem, you may contact the Iowa Utilities Board toll free at 1-877-565-4450. You may also write the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069, or by E-mail at [iubcustomer@iub.state.ia.us](mailto:iubcustomer@iub.state.ia.us). Low income customers may also be eligible for free legal assistance from Iowa Legal Aid and may contact Legal Aid at 1-800-532-1275.

July 18, 2003

/s/ Diane Munns  
Diane Munns  
Chairman